

The complaint alleged also that the defendant had been repeatedly warned that the drug shipped by him in interstate commerce was misbranded within the meaning of the law; that the only effect of such warnings had been to cause the defendant to change the labeling so as to avoid one type of misbranding; and that in so doing, the defendant misbranded the drug in a different way, namely, by eliminating the false and misleading statements in the labeling, the defendant omitted all reference to the disease conditions for which the drug was intended and thereby misbranded the drug by failing to include in the labeling adequate directions for use.

DISPOSITION: 6-2-49. The defendant having filed an answer denying that the drug was misbranded and later having failed to pursue the matter further, an order of default was entered, together with an order permanently enjoining the defendant from shipping in interstate commerce the drug described in the complaint with or under the following labeling:

Joseph E. McCoy, M. D.
Thief River Falls, Minnesota
Specializing in Stomach Disorders
Hyperacidity and Gastric Ulcers
Take One Teaspoonful After Each Meal.
Shake Well Before Using

J. E. McCoy, M. D.
Thief River Falls, Minnesota
Take one Teaspoonful after each
meal. Shake well

J. E. McCoy, M. D.
Thief River Falls, Minnesota
(SHAKE WELL)
Take one teaspoonful after
each meal.

J. E. McCoy, M. D.
Thief River Falls, Minnesota
For Stomach Disorders, Hyper-
acidity and Gastric Ulcers
Directions: Take one teaspoonful
after each meal. Shake well be-
fore using.
Contains: Pepsin, Bismuth, Sub-
nitrate.
Alcohol-10 Per Cent-Net Contents-
8 Fluid Ounces

4662. Amphetamine sulfate tablets. (F. D. C. No. 35600. S. Nos. 72-608 L, 86-517 L, 86-524 L.)

INFORMATION FILED: 2-3-55, S. Dist. Fla., against Ledyard H. DeWees, Coral Gables, Fla.

SHIPPED: Between 4-10-54 and 6-9-54, from Florida to Maryland and Ohio.

RESULTS OF INVESTIGATION: The drug was shipped in unlabeled bottles.

CHARGE: 502 (b) (1) and (2)—the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents; 502(e) (2)—the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and it failed to bear a label con-

taining the common or usual name of each active ingredient; and, 502 (f) (1) and (2)—the labeling of the article failed to bear adequate directions for use and adequate warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

PLEA: Nolo contendere.

DISPOSITION: 3-11-55. Defendant fined \$300 and placed on probation for 1 year.

4663. *Supra Vite*. (F. D. C. No. 37528. S. No. 8-142 M.)

QUANTITY: 5 cases, 24 pkgs. each, at Kansas City, Mo.

SHIPPED: 11-19-54, from Glendale, N. Y.

LABEL IN PART: (Pkg.) "Supra Vite Special Now Biotin and K Added B-12 Increased An Improved Highly-Concentrated Food Supplement! Formulated in a base of alfalfa, parsley, watercress, cabbage, and brewers yeast concentrates. This package contains 122 multiple-vitamin capsules and 122 multiple-mineral tablets. Four red vitamin capsules and four mineral tablets (suggested daily intake) supply the following amounts and proportions of the minimum adult daily requirements."

LIBELED: On or about 12-20-54, W. Dist. Mo.

CHARGE: 502 (f) (1)—the labeling of the article when shipped and while held for sale failed to bear adequate directions for use in the treatment of arthritis, coughs, and high blood pressure, which were the conditions for which the article was offered orally by Marie Carsil at Kansas City, Mo., on 11-6-54, while promoting the sale of the article to persons understood by her to be prospective purchasers.

DISPOSITION: 2-16-55. Default—destruction.

4664. *Rival herb tablets*. (F. D. C. No. 37570. S. No. 6-264 M.)

QUANTITY: 22 doz. 100-tablet boxes at Cleveland, Ohio.

SHIPPED: 11-1-54, from Detroit, Mich., by Rival Herb Co.

ACCOMPANYING LABELING: A leaflet entitled "Rival Herb Tablets."

RESULTS OF INVESTIGATION: The article was a brown sugar- and lime carbonate-coated tablet containing vegetable drugs, including emodin-bearing drugs.

LIBELED: 1-4-55, N. Dist. Ohio.

CHARGE: 502 (a)—the labeling of the article when shipped contained false and misleading representations that the article would effectively regulate the bowels, stimulate liver and urinary action, and improve the appetite, and that it was an adequate and effective relief for all types of constipation, headaches, biliousness, dyspepsia, colds, and conditions caused by or associated with constipation; 502 (e) (2)—the label did not bear a statement of the active ingredients of the article; 502 (f) (1)—the labeling of the article failed to bear adequate directions for use, in that the directions on the labeling provided for the taking of the article by both adults and children at regular intervals over an indefinite period of time, and such directions are inadequate for the use of a laxative drug; and, 502 (f) (2)—the labeling of the article failed to bear such adequate warnings against unsafe duration of administration, in such